

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *AD*
DEPUTY CLERK

RYAN SISSOM,

Plaintiff,

-vs-

CAUSE NO.:
A-17-CA-00631-SS

UNIVERSITY OF TEXAS HIGH
SCHOOL, UNIVERSITY OF TEXAS,
BETH COOPER, STEVE ROSEN, and
STEVE WALLS,
Defendants.

O R D E R

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, and thereafter enters the following opinion and order:

The Court previously granted Defendants' Motion to Dismiss [#8], permitting Plaintiff to file an Amended Complaint in compliance with Rule 8 of the Federal Rules of Civil Procedure. *See Order of Aug. 2, 2017 [#10].* Plaintiff subsequently filed an Addendum to Original Petition [#11]. Defendant filed another motion to dismiss. Mot. Dismiss [#12]. The deadline for a timely response to Defendants' motion has passed. *See Local Rule CV-7(e)(2).*

Plaintiff is barred under Eleventh Amendment from suing Defendants in federal court. It is undisputed Defendants University of Texas and University of Texas High School are state agencies, and Defendants Cooper, Rosen, and Walls are employees of state agencies. Plaintiff concedes he is suing Defendants Cooper, Rosen, and Walls in their official capacities. Resp. [#9] at 1. Because all Defendants have immunity under the Eleventh Amendment, this Court lacks subject matter jurisdiction over Plaintiff's suit. *See Moore v. Louisiana Bd. of Elementary*

& Secondary Educ., 743 F.3d 959, 963 (5th Cir. 2014). Without subject matter jurisdiction, Plaintiff's cause of action must be dismissed. See FED. R. CIV. P. 12(b)(1).

Accordingly,

IT IS ORDERED that Defendants' Motion to Dismiss Plaintiff's Addendum to Original Petition [#12] is GRANTED in all respects and this lawsuit is hereby DISMISSED.

SIGNED this the 25th day of September 2017.



SAM SPARKS
UNITED STATES DISTRICT JUDGE